

**BILL ANALYSIS**

Senate Research Center  
88R31336 AMF-F

C.S.H.B. 2239  
By: Troxclair et al. (Flores)  
Local Government  
5/22/2023  
Committee Report (Substituted)

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Certain cities in Texas are regulating the Ashe juniper tree as a heritage oak tree and fining residents for cutting them down. Texans should have the ability to remove Ashe juniper trees on their private property without fear of a fine for doing so. Moreover, the removal of these trees can help to protect our aquifers, allow for a greater variety of plant life to survive, and reduce cedar fever. H.B. 2239 seeks to protect against municipal overreach and ensure that Texans have this ability.

H.B. 2239 amends the Local Government Code to prohibit a municipality from prohibiting the removal of or imposing a tree mitigation fee for the removal of an Ashe juniper tree on private property.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2239 amends current law relating to municipal regulation of the removal of an Ashe juniper tree.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 212.905(h), Local Government Code, as follows:

(h) Prohibits a municipality from prohibiting the removal of or imposing a tree mitigation fee for the removal of:

(1)-(2) makes nonsubstantive changes to these subdivisions; or

(3) an Ashe juniper tree that is:

(A) located on a residential property that is not more than five acres with an existing one-family or two-family dwelling; and

(B) removed by a resident of the dwelling or a person authorized by the resident.

Makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 2023.